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Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

Manuel Perez	)	Case #:	13-29026-A-13J
	)	Chapter:	13
Alma Perez	)	DC #:	WW-1
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	)		
	)		
	)		
	)	Date:	August 19, 2013
	)	Time:	1:30 PM
	)	Courtroom:	U.S. Bankruptcy Court
	)		Department A
	)		Courtroom 28, 7th Floor
	)		501 I Street
	)		Sacramento, CA 95814

MOTION TO VALUE THE COLLATERAL OF WELLS FARGO BANK, N.A. AKA WELLS  
FARGO HOME MORTGAGE

Debtors, by and through their attorney Mark A. Wolff of Wolff & Wolff, hereby request that the court determine that the value of Debtors' residence currently known as 10342 Pleasant Grove School Road, Elk Grove, CA 95624, which is the collateral securing Wells Fargo Bank, N.A. AKA Wells Fargo Home Mortgage's second trust deed, is \$450,000.00. Debtors request that the court further determine that the value of the collateral available to Wells Fargo Bank, N.A. AKA Wells Fargo Home Mortgage's Second Trust Deed is \$0.00. \$0.00 of Wells Fargo Bank, N.A. AKA Wells Fargo Home Mortgage's claim is secured by the second trust deed as an allowed secured claim and the balance of its claim is an allowed unsecured claim pursuant to 11

1 USC § 506 as follows:

- 2 1. Debtors filed this case on or about July 5, 2013.
- 3 2. A Proof of Claim has not been filed by creditor Wells Fargo Bank, N.A. AKA Wells  
4 Fargo Home Mortgage.
- 5 3. At the time this case was filed Debtors owned their residence at 10342 Pleasant Grove  
6 School Road, Elk Grove, CA 95624 ("Property") subject to first and second trust deed of  
7 Wells Fargo Bank, N.A. AKA Wells Fargo Home Mortgage ("Wells Fargo").
- 8 4. At the time of filing, the property had a value of 450,000.00. See Declaration of Manuel  
9 Perez and Alma Perez, being filed concurrently with this motion.
- 10 5. The first deed of trust held by Wells Fargo encumbers the property with a current balance  
11 of \$564,498.00. See Declaration of Manuel Perez and Alma Perez, being filed  
12 concurrently with this motion.
- 13 6. The second deed of trust held by Wells Fargo encumbers the property with a current  
14 balance of \$54,549.00.
- 15 7. The value of the property is such that it is lower than what is owing on Wells Fargo's first  
16 deed of trust.
- 17 8. Wells Fargo's second deed of trust is wholly unsecured based on the value of the  
18 residence.
- 19 9. At the time this case was filed, Wells Fargo's second deed of trust is unsecured pursuant  
20 to 506(a)(1).

21 **WHEREFORE**, Debtors request that the court determine that the value of Debtors' residence  
22 currently known as 10342 Pleasant Grove School Road, Elk Grove, CA 95624, which is  
23 collateral securing Wells Fargo Bank, N.A. AKA Wells Fargo Home Mortgage, is \$450,000.00.  
24 Debtors request that the court further determine that the value of the collateral available to Wells  
25 Fargo Bank, N.A. AKA Wells Fargo Home Mortgage's Second Trust Deed is \$0.00. \$0.00 of  
26 Wells Fargo Bank, N.A. AKA Wells Fargo Home Mortgage's claim is secured by the second  
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1 trust deed as an allowed secured claim and the balance of its claim is an allowed unsecured claim  
2 pursuant to 11 USC § 506.  
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4 Respectfully submitted,

5 Wolff & Wolff

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7 By

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9 Mark A. Wolff  
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